

# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 97-042**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### **1. Statutory Authority**

The board should consider whether the grades to be determined by the board under s. NHA 2.04 should be promulgated as a rule.

#### **2. Form, Style and Placement in Administrative Code**

a. In s. NHA 1.02 (intro.), the language after the second “in” should be stricken and replaced by “chs. NHA 1 to 5:”.

b. Since the term defined in s. NHA 1.02 (2) is being amended, it is no longer in alphabetical order with the other terms defined. The board should either renumber sub. (2) to be sub. (3m); or renumber sub. (2) to be sub. (3) and sub. (3) to be sub. (2).

c. In s. NHA 1.02 (7), the phrase “in the area of nursing home administration” following “program of study” is unnecessary, given the definition of “program of study.”

d. Entire subunits of a rule should not be created through amending a rule and entire subunits should not be repealed in that manner. See SECTIONS 4, 7 and 9. For example, s. NHA 1.02 (8) should be renumbered s. NHA 1.02 (8) (intro.) and amended and pars. (a) to (c) should be created.

e. In s. NHA 1.02 (9), “offered by a college or university” should be eliminated, given the definition of “regular course of study.”

f. In s. NHA 2.02 (intro.), “apply” should replace “make application” in the first sentence.

g. In s. NHA 2.02 (1) (a) to (c), the comma and the cross-reference following the comma in each paragraph should be eliminated. It is suggested that the Notes following s. NHA 2.02 (3) be numbered 1. and 2., respectively.

h. In s. NHA 2.03 (intro.), it is suggested that “An” replace “Every.” In addition, it is suggested that ss. NHA 2.03 and 2.04 be combined into one section.

i. It is suggested that a different title be considered for s. NHA 2.05 since “cheating” seems more limited than violating the rules of conduct.

j. In s. NHA 3.01 (1), it appears that “in the subject area of nursing home administration” is unnecessary, given the definitions of the preceding terms.

k. The first sentence of the Note created by SECTION 10 appears to be more appropriately placed in the text of the rule. This is also the case with the first sentence of the Note in SECTION 13, which appears to create a substantive requirement. [See comment 5. a.]

l. Section NHA 4.01 (1) (c) does not need to be subdivided. The entire paragraph can be consolidated into one relatively simple sentence.

m. Section NHA 4.01 (1) (e) should begin with “Provide” rather than with “A.”

n. It is not clear where the Note following SECTION 21 will appear in the Wisconsin Administrative Code once ch. NHA 6 is repealed.

## **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. NHA 2.02 (intro.), it is not clear to what the provision that a qualified applicant with a disability should be provided with reasonable accommodations refers. Does it refer to the application, the examination, or both? Similarly, the Note following s. NHA 4.01 (1) (c) is unclear. It is suggested that consideration be given to providing a separate section on making reasonable accommodations for persons with disabilities and, in very general terms, describing for what the accommodations will be made.

b. Section NHA 4.03 (4) does not grammatically follow the introductory clause.